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May 19, 2021

Judge Katherine Polk Failla
United States District Court
Southern District of New York
40 Foley Square, Room 2103
New York, NY 10007

MEMO ENDORSED

Re: *Arnold and Ruth Ann Pritt v. Air & Liquid Systems Corporation, et al.*
1:19-civ-10651 (KPF)

Dear Hon. Judge Failla:

I represent Plaintiffs Arnold and Ruth Ann Pritt in the above-referenced matter. Pursuant to your Individual Rules of Practice in Civil Cases, and following a conferral with counsel for General Electric Company in this matter, Plaintiffs hereby request the Court's guidance on whether to file Export Controlled documentation as exhibits in support of Plaintiffs' Sur-Reply Memorandum In Opposition to Defendant General Electric Company's Motion for Summary Judgement (ECF 110), or in the alternative, file them under seal.

Attached to this letter is a copy of a Joint Motion for Entry of Stipulated Protective Order (hereinafter, "Order"), proposed and drafted by Defendant, ViacomCBS Inc. ("Westinghouse"). Plaintiffs' counsel signed the drafted Order on January 14, 2021 and returned it to Westinghouse. To date, the Order has not been filed with this Court.

On January 15, 2021, Westinghouse provided diagrams of turbine generators at issue in this case as "Export Controlled" documents, pursuant to the drafted Order. However, the exact same diagrams were subsequently publicly disclosed as Exhibits to General Electric Company's Motion to Exclude the Testimony of Francis Burger filed on March 2, 2021 (ECF 93). Conferral with defense counsel for General Electric and Westinghouse confirmed that this was an unintentional error. It does not appear that the documents were publicly filed in any other instance.

As such, the issue of whether Plaintiffs may file the documents under seal, or whether their prior disclosure invalidates the parties' stipulation, seems to be a matter for the Court to decide. Plaintiffs have no issue with filing the records under seal. The diagrams play a critical

role in Plaintiffs' ability to effectively respond to Defendant's Motion for Summary Judgement, and Plaintiffs respectfully request the Court's guidance on which filing method to use. Copies of the documents in question shall be forwarded to the Court via email upon the filing of this letter, pursuant to your Individual Rules of Practice.

Thank you for your consideration of this request.

Respectfully submitted,

VINSON LAW, P.A.
By: /s/ Mark Alonzo
Mark Alonzo
Counsel for Plaintiffs
Admitted pro hac vice

cc: Via ECF to all counsel of record

The Clerk of Court is directed to change the security level of docket entry 95 attachments 11, 12, 13, 15, 16, 18, 19, 20, 22, 23, 24, 25, 26, and 27 to be viewable to the Court and the parties only.

Henceforth the parties are directed to file any export controlled documents under seal.

Dated: May 19, 2021
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE